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Navigating Story Waters, The Confidential Arbitration 'Agreement' between Donald Trump and Stormy Daniels

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Navigating Stormy Waters

The Confidential Arbitration 'Agreement' between Donald Trump and Stormy Daniels



A Lunchtime Lecture by

Brian Farkas
Goetz Fitzpatrick LLP
Adjunct Professor of Law

Wednesday, April 11, 2018
12 p.m. - 1 p.m., Room 102

Free pizza, salad and soda!



An adult film star. An American President. And an arbitration clause. No law professor could imagine such a vivid hypothetical: In 2016, Donald Trump's attorney, Michael Cohen, entered into a "settlement agreement" with Stormy Daniels, paying her \$130,000 to remain silent about her alleged encounter with Mr. Trump. The agreement contained an arbitration clause, providing that any dispute could not be brought in public court, but rather in a confidential arbitration proceeding. Following the #MeToo movement, Daniels has brought a lawsuit to declare the "contract" invalid.

In this lunchtime lecture, Professor Farkas will navigate the stormy waters of this conflict. What is arbitration? Is it enforceable? How do concepts like unconscionability, duress, and liquidated damages help us to understand the ongoing dispute among President Trump, Michael Cohen, and Stormy Daniels? More broadly, what is the relationship between arbitration and public policy, particularly given the #MeToo movement? The discussion will serve as an introduction to arbitration law, and also function as a useful review of key contract law principles for 1Ls thinking ahead to exams.

Sponsored by the Cardozo Philosophy and Law Society and Cardozo Dispute Resolution Society